

United States District Court

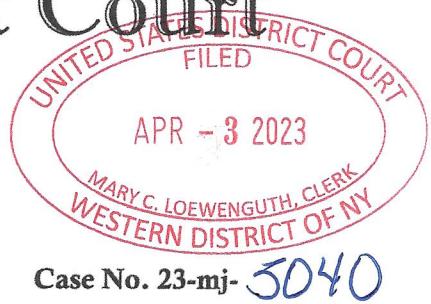
for the
Western District of New York

United States of America

v.

Orlando Manuel PIO HU

Defendant



Case No. 23-mj-5040

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of March 23, 2023, in the County of Erie, in the Western District of New York, the defendant, Orlando Manuel PIO HU, an alien who previously had been deported and removed from the United States on or about January 6, 2016, was found in the United States of America, without having obtained the express consent of the Attorney General of the United States or the Secretary of the Department of Homeland Security to reapply for admission to the United States.

All in violation of Title 8, United States Code, Sections 1326(a).

This Criminal Complaint is based on these facts:

Continued on the attached sheet.



Complainant's signature

WILLIAM J. SCHOENROCK
ENFORCEMENT OFFICER
U.S. CUSTOMS AND BORDER PROTECTION
Printed name and title

Sworn to before me and signed telephonically.

Date: April 3, 2023



Judge's signature

HONORABLE MICHAEL J. ROEMER
UNITED STATES MAGISTRATE JUDGE
Printed name and title

City and State: Buffalo, New York

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

William J. Schoenrock, being duly sworn deposes and states:

1. I am an Enforcement Officer with United States Customs and Border Protection (“CBP”), within the Department of Homeland Security (“DHS”), formerly known as the Immigration and Naturalization Service, and have been so employed in immigration law enforcement for the past 31 years. In such capacity, my duties include investigating individuals suspected of violating federal immigration laws and other related federal statutes.
2. As part of my current duties, I have become involved in an investigation of suspected violation of Title 8, United States Code, Section 1326(a).
3. I make this affidavit in support of the annexed criminal complaint charging Orlando Manuel PIO HU, hereinafter referred to as “PIO HU,” an alien, born 1995 in Mexico, with being found in the United States without the expressed consent of the Attorney General of the United States or the Secretary for the Department of Homeland Security, after having been deported or removed from the United States, in violation of Title 8, United States Code, Section 1326(a).
4. This affidavit is being submitted for the limited purpose of securing a Criminal Complaint. I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable

cause to believe that PIO HU did knowingly violate Title 8, United States Code, Section 1326(a).

5. On March 23, 2023, at approximately 10:47 a.m., at the Peace Bridge port of entry in Buffalo, New York, in the Western District of New York, PIO HU was encountered by CBP officers while traveling in a vehicle bearing State of Kansas registration containing two individuals. Primary inspection CBP Officer S.G. reported that PIO HU stated they inadvertently entered onto the bridge toward Canada and made a U-turn to remain in the United States. Officer R.G., as part normal procedure, entered PIO HU's name into the primary inspection computer and found him to be the subject of an immigration lookout. PIO HU was escorted to secondary for further inspection.

6. CBP Officer D.P commenced the secondary inspection and conducted an electronic search of PIO HU's fingerprints in FBI and immigration databases (IAFIS) to verify his identity and any immigration history he may have in the United States. The fingerprint search revealed that PIO HU was an identical biometric match to FBI number 97293XXX and immigration fingerprint identification number 1125987XXX. Records associated to the indexed FBI number revealed that PIO HU was arrested by U.S. Border Patrol agents in Texas in December 2015. The FBI record referenced a conviction in December 2015, in United States District Court for the Western District of Texas for a violation of Title 8, United States Code, Section 1325(a)(1) for improperly entering the United States. The FBI record also noted a conviction in February 2014 in Lenexa City, Kansas for possession of a hallucinogenic drug. The FBI and immigration fingerprint identification records referenced alien file number A201 070 XXX.

7. Immigration electronic records associated to the alien file number confirmed that PIO HU had been previously expeditiously removed from the United States to Mexico on January 6, 2016. PIO HU's deportation was a consequence of having entered the United States without inspection.

8. CBP Enforcement Officer J.A. read PIO HU his Miranda rights. PIO HU acknowledged that he understood the English language, understood his Miranda rights and agreed to waive his rights and give a statement. In his sworn statement PIO HU admitted that he was deported from the United States on January 6, 2016. PIO HU further admitted that he reentered the United States in 2018 without inspection, and that he did not apply for or receive permission to reenter the United States.

9. Your affiant, on March 26, 2023, received electronically from the National Records Center copies of deportation documents from alien file number A201 070 XXX. Included were immigration forms I-860 Order of Expedited Removal, and I-296 Notice to Alien Removed/Deported Verification. Immigration form I-296 contained PIO HU's photograph, right index fingerprint impression and signature verifying his deportation to Mexico on January 6, 2016. Immigration form I-296 provided a warning to PIO HU that he is prohibited from entering, attempting to enter, or being found in the United States without the express consent of the Attorney General of the United States or the Secretary of the Department of Homeland Security.

10. A review of electronic immigration benefit records and a review alien file A201 070 XXX failed to reveal that PIO HU had applied for or received requisite permission from

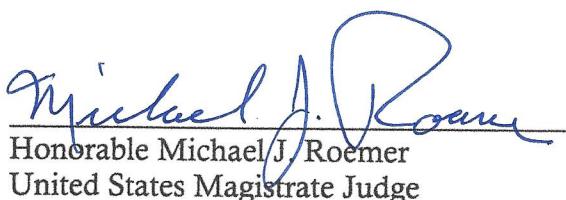
the Attorney General or the Secretary for the Department of Homeland Security to reenter the United States.

WHEREFORE, I respectfully submit the foregoing facts to establish probable cause to believe that on March 23, 2023, Orlando Manuel PIO HU, an alien, was found in the United States after having been previously deported or removed from the United States, without the requisite permission from the Attorney General of the United States or the Secretary for the Department of Homeland Security, in violation of Title 8, United States Code Section 1326(a).



William. J. Schoenrock
Enforcement Officer
U.S. Customs and Border Protection

Sworn to and subscribed telephonically to
me this 3rd day of April 2023.



Honorable Michael J. Roemer
United States Magistrate Judge